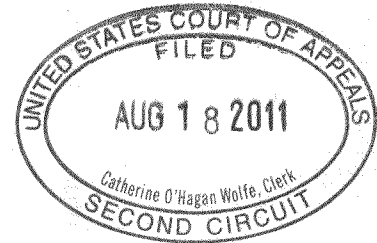


MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 18th day of August, two thousand eleven.

Before: DENNIS JACOBS,
Chief Judge,
REENA RAGGI,
Circuit Judge,
JED S. RAKOFF,
*District Judge.**



Vikki Cash,

Plaintiff-Appellant-Cross-Appellee,

v.

County of Erie, Patrick Gallivan, Sheriff,

Defendants-Cross-Claimant-Appellees-Cross-Appellants,

Erie County Sheriff's Department,

Defendant-Cross-Claimant,

Marchon C. Hamilton,

Defendant-Cross-Defendant-Appellee.

JUDGMENT

Docket Nos.: 09-4371 (Lead)
09-4707 (XAP)

The appeal in the above captioned case from the United States District Court for the Western District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is REVERSED and the case is REMANDED in accordance with the opinion of this court.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

A handwritten signature of Catherine O'Hagan Wolfe in blue ink, written over a circular stamp of the United States Court of Appeals for the Second Circuit.

FOR THE COURT,
CATHERINE O'HAGAN WOLFE, Clerk

A handwritten signature of Catherine O'Hagan Wolfe in blue ink, written over a circular stamp of the United States Court of Appeals for the Second Circuit.

* Hon. Jed S. Rakoff of the United States District Court for the Southern District Court for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 09/14/2011